

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RICHARD DAVID SIMMONS,

Plaintiff,

v.

TIMOTHY McBRIDE, et al.,

Defendants.

CIVIL ACTION
NO. 20-4846

ORDER

AND NOW, this 10th day of September 2021, upon consideration of the Motion to Dismiss the Second Amended Complaint (ECF 50) and Simmons's Response (ECF 51), it is hereby **ORDERED** that, for the reasons stated in the Court's Memorandum:

1. The Motion to Dismiss **GRANTED**. The Second Amended Complaint is **DISMISSED with prejudice** with respect to Simmons's claims pursuant to 42 U.S.C. § 1983. The Court declines to exercise supplemental jurisdiction over the intentional infliction of emotional distress claim, and that claim is **DISMISSED without prejudice**.
2. The **Clerk of Court** shall **CLOSE** this case.

BY THE COURT:

/s/ Gerald J. Pappert
GERALD J. PAPPERT, J.